IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1620 OF 2006
ALONGWITH
CRIMINAL WRIT PETITION NO.1621 OF 2006

Shri.D.R. Shah & Anr. ...Petitioners

V/s.

Vandan Exim & Ors. ...Respondents

Ms.Kavita Anchan with Priya Borgaonkar i/b. M/s.M.V. Kini & Co. for Petitioners.
Ms.Seema Patil i/b. S. Parab for Respondent No.1.
Mr.Y.S. Shinde APP for the State.

CORAM : V.M. KANADE, J.

DATED : 31st AUGUST, 2007.

P.C:-

1. The Petitioners have filed these two Writ Petitions alleging that the Petitioner No.1 is a Nominee Director of Petitioner No.2 and as such he is prosecuted in view of provisions of Section 41-A of the State Financial Corporation Act, 1951 and therefore, he is not liable to be prosecuted in the complaints filed by the Respondent No.1 U/s.138 of N.I. Act.

2. Learned counsel for the Respondent No.1 submits that the Respondent shall delete the Petitioner No.1 from the complaints which are filed in the court of Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai, being case No.224/SS/2006 and 225/SS/2006.

3. So far as Petitioner No.2 is concerned, the learned counsel for the Respondent submitted that the Petitioner No.2 has not been added as a party in the complainants. She invited my attention to page 24 Ex.C of both the Writ Petitions.

4. It is apparent that the Petitioner No.2 is not a party-Respondent in the main complaints. Hence, both the Writ Petitions do not survive and they are disposed of in view of statement made by the learned counsel for the Respondent No.1 Stay granted by the Court is vacated. The Trial Court is directed to decide the cases as expeditiously as possible and in any case within a period of four months from today. With these directions, Writ Petitions are disposed of.

V.M. KANADE, J.